

Docket No. 700157-043471-FWC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: W. Marasco, et al.

Serial No.: 08/822,033 Group No.: 1632
Filed: March 24, 1997 Examiner: P. Woitach
For: NUCLEIC ACID DELIVERY SYSTEM, METHOD OF SYNTHESIS
AND USES THEREOF

DECLARATION OF DR. WAYNE A. MARASCO

I, Wayne A. Marasco, hereby declare as follows:

1. I am a co-inventor of the above-described application.
2. I am an Associate Professor of Medicine at Harvard Medical School, and physician at Dana-Farber Cancer Institute in the Department of Cancer Immunology and AIDS. A copy of my CV is attached hereto.
3. I am aware of the Office Action issued on February 11, 2003 in the above-described matter and am familiar with the references discussed in that Office Action.
4. The Examiner relied upon Beug et al. (Canadian Patent Application 2,012,311), Chaudhary et al. (*Proc. Natl. Acad. Sci. USA* 87:1066-70 (1990)), Wu and Wu (U.S. Patent No. 5,166,320), and Ryder et al. (*Proc. Natl. Acad. Sci. USA* 86:1500-03 (1989)).
5. I do not believe that these references in any way teach or suggest our method of nucleic acid delivery to a desired target cell. The method involves using a fusion protein prepared by recombinant techniques containing an antibody targeting moiety and a nucleic acid